

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS
DIVISION 2, CHAPTER 6.5, ARTICLE 8, SECTIONS 1268 AND 1270.3

FARM LABOR VEHICLE PASSENGER SEATING (CHP-R-2010-02)

PURPOSE OF REGULATORY ACTION

Section 2400 of the California Vehicle Code (CVC) authorizes the Commissioner of the California Highway Patrol (CHP) to enforce laws regulating the safe operation of motor vehicles. Section 2402 CVC authorizes the Commissioner to make and enforce regulations as necessary to carry out the duties of the CHP. Division 13 (commencing with Section 29000 CVC), Chapter 5, Article 2 involving vehicles transporting workers (commencing with Section 31401 CVC) authorizes the CHP to adopt reasonable rules and regulations which are designed to promote the safe operation of farm labor vehicles, as defined in Section 322 CVC. The regulations referenced are contained in Title 13, California Code of Regulations (13 CCR).

This rulemaking will amend language in 13 CCR, Section 1270.3(a), Farm Labor Vehicle (FLV) Passenger Seating. The amendment will clarify language addressing FLV passenger seating inspections meeting the installation and construction criteria set forth in Section 31406 CVC. Section 31406 CVC was enacted January 1, 2001, and became operative March 31, 2002, superseding FLV seating and seat mounting regulations in 13 CCR Section 1270.3(a).

This rulemaking will amend current language referencing a “farm labor truck” in 13 CCR, Section 1268, Emergency Exits, to be compliant with Article 8 language referencing “farm labor vehicles.”

This rulemaking will amend current language in 13 CCR Section 1270.3(b), Seatbelt Installation, clarifying and amending language addressing the anchorage and mounting placement criteria of aftermarket seat belt assembly installations into an FLV.

SECTION BY SECTION OVERVIEW

Title 13 CCR, Division 2, Chapter 6.5 contains the CHP Motor Carrier Safety regulations. Article 8, Sections 1240 through 1270.5, contains regulations for passenger transportation vehicles, school buses, farm labor vehicles, and general equipment requirements.

Article 8. General Equipment Requirements

13 CCR Section 1268 - Emergency Exits

The initial applicability paragraph is amended to remove the reference to “farm labor trucks.” There is not a definition for a farm labor truck, and this amendment will incorporate the language “farm labor vehicle,” as defined in Section 322 CVC, for uniformity in regulation references.

Subsection (f)(3) is amended to clarify vehicles intended to be included or excluded in the requirements of emergency exits. Sub-section (f)(3) requires buses to meet the requirements for emergency doors, except in parentheses it excludes “other than farm labor.” This amendment will add the word “vehicle” to the excluded vehicle for uniformity in regulation references.

Subsection (h) makes reference to a “farm labor truck” and a “farm labor vehicle.” This amendment to this sub-section will remove the reference to “farm labor truck” and incorporate the reference “farm labor vehicle” for language uniformity.

13 CCR Section 1270.3 - Farm Labor Vehicle Seating

Subsection (a) is amended by removing language pertaining to passenger seat, seat assembly mounting hardware, and reference to vehicle structure for a work truck as an FLV. The deleted retrofitting mechanical requirements and passenger seating installation language is contradictory to statutory language contained in Section 31406 CVC. Section 31406 CVC requires all seating in an FLV to be constructed and mounted according to original manufacturing standards in the Federal Motor Vehicle Safety Standards (FMVSS) of Title 49, Code of Federal Regulation, Part 571.207. Existing language with specific reference to the minimal passenger seating width; inspection of the securement of seating assembly; and establishing passenger capacity, remained unchanged.

Subsection (a)(1) deletes current retrofitting seat mounting language and adds language describing the passenger seat and seat mounting assemblies installed by the origin equipment manufacturer (OEM) may be mounted forward facing, rear facing, or side facing, or a combination thereof, as being in compliance.

Subsection (a)(2) deletes current language on mounting hardware for retrofitted passenger seats and adds language describing manufacturers authorized to perform passenger seating retrofitting in a farm labor vehicle.

Subsection (a)(3) deletes current language for seat securement requirements for three, four, and six passenger seating language and adds language for allowing non-modified seating assemblies interchange parts listings for FLV seating. The Department understands mechanical issues arise and there are resources available to farm labor contractors and transporters to change a damaged seat assembly. The Department wishes to ensure the seats are interchangeable with the current vehicle and no modifications were completed that may place the contractor/transporter in conflict with current law.

Subsection (a)(4) deletes current language addressing alternative securement to the retrofitted seating and adds language defining modification to passenger seating would not include the re-upholstering of seats.

Subsection (a)(5) language moved from (a)(6) to this subparagraph.

Subsection (a)(6) deleted subparagraph - information moved to (a)(5).

Subsection (b) is amended creating subparagraphs to clarify language pertaining to the seat belt anchorage mounting locations/structure, hardware mounting.

Subsection (b)(1) is modified removing language from the single paragraph and added additional language creating subparagraphs (b)(1)(A), (b)(1)(B), and (b)(1)(C). This change made locating and adding specific hardware mounting reference language in regulation easier. A minor word change was made to this subparagraph, the reference to “hip bone” was changed

to “pelvis” to be anatomically correct.

Subsection (b)(1)(A) language moved from (b)(1), creating (b)(1)(i) allowed separation of language on how the seat belt was to be worn by the passenger and how the seat belt assembly was anchored to create comfort and safety for the passenger using the seat belt assembly. The anchorage of seatbelt from the male anchor point to the center buckle connection and the female anchor point to the center buckle connection when worn would form a “U.” Additional language included in the added subsection (b)(1)(i) pertaining to forbidding mounting a seat belt anchorage, male and female Type 1 seat belt sections for the same occupant, under the same mounting bolt.

Subsection (b)(1)(B) added language requiring seat belt mountings to be equal in height on the same horizontal plane. This language is to ensure the mounting area provides equal tension on the seat belt mounting points, and equal force restraint of the passenger if involved in an emergency stopping or collision incident.

Subsection (b)(1)(C) was added requiring seatbelt anchorage points in a Type 2 bus shall not be mounted to the interior wheel well raised areas; entry step areas at a 90 degree angle to a step kick plate, or to any structural body supports unless these anchorage points meet FMVSS Part 571.210. The locations described in this addition were discovered during FLV inspections to be weaker points of securement for seat belt anchorage. Another weak attachment point was observed during another FLV inspection at a seat belt anchorage mounted on the kick/face plate of the step area (bolt horizontal and washers vertical) which exhibited the bolt shaft had been pulled against the sheet metal of the step facing instead of the pulling stressed force across the surface area of the 1 ¼” flat washer or 2” X 2” reinforcement plate. The hardware exhibited minor bending/scarring on the bolt shaft (anchorage mounting was loose) and elongation of the mounting hole and metallic rolled edges on the mounting hole were observed. The FLV had not been involved in any collisions.

Subsection (b)(4) is amended with additional language ensuring all sewing and threading materials used shall meet the seat restraint webbing construction requirements of FMVSS Part 571.209.

Subsection (b)(6)(B) is amended removing references to fabricated FLV passenger seating in a vehicle not originally constructed to transport passengers. Amended language clarifies any bus not originally designed with seat belt restraints and is designed, used, or maintained as an FLV, shall have seat belts as provided per Section 31405 CVC. Current language stipulates the seat belt anchoring hardware components required for mounting to the sturdy metal portion of the body, frame, floor, or bed of the FLV. This amendment limits the seat belt anchorage to the sturdy portion of the floor or bed of the FLV. This limitation to the mounting hardware is due to the drilling/mounting into structural uprights and cutting/drilling into the frame of the vehicle which may cause structural integrity issues. This amendment adds the hardware component “lock washer” to be included as a required piece for the seatbelt restraint anchorage, to be located between the flat washer, or reinforcement plate, and the nut.

Subsection (b)(8) is amended specifying bolts will be mounted vertically to the floor or bed of the vehicle being used as an FLV and not to the body or any “sheet metal” structure. When the anchor points are mounted through the floor or bed area, the stresses of force during an emergency braking incident are distributed across the face of the secured washer,

or reinforcement plate, and not against the bolt shank. Language was added specifying seat belt anchorage securement hardware bolts shall be a minimum of Grade 5 and the securement of the bolts through the floor or bed area shall either be secured with a nut and lock washer, with a flat washer or a 2" X 2" reinforcing plate; or with a self locking nut, with a flat washer or 2" X 2" reinforcing plate.

Subsection (b)(9) is amended removing language addressing passenger seat installation. This subsection referenced modification to passenger seating and outlined how to modify the mounting of the passenger seat and what hardware could be used. These procedures were not tested and it is unknown if this modification would meet FMVSS Part 571.207 standards.

Subsection (b)(10) is amended removing language allowing retrofitting of seats. Language was entered for clarification if a seatbelt assembly was installed on an existing OEM passenger seating, the installation/modification shall comply with FMVSS Part 571.207, 571.209, and 571.210.

STUDIES/RELATED FACTS

The initial Assembly Bill 602, in 1999/2000 session (Chapter 308 in 2000), added Section 31406 CVC to ensure passenger seating in an FLV met the FMVSS Part 571.207 standards. Section 31406 CVC was enacted on January 1, 2001, and became operative on March 31, 2002. Commercial Vehicle Section has received inquiries about conflicting information from an Information Bulletin (IB) distributed in 2007, pertaining to seat restraint installation and passenger seating installation in FLVs. The IB listed Title 13 CCR Section 1270, and 1270.3 as the authoritative regulation to follow for the certification installation of passenger seating in an FLV. The FLV passenger seating is mandated to meet the criteria set forth in Section 31406 CVC which supersedes Title 13 CCR Section 1270.3(a). These amendments are promulgated in order to clarify the provisions of CVC statute.

CONSULTATION WITH OFFICIALS

None.

LOCAL MANDATE

These regulations do not impose a new mandate on local agencies or school districts.

IMPACT ON BUSINESS

The CHP has not identified any significant impact on small business. This does not represent an additional mandate on motor carriers, but simply provides clarification of FLV passenger seating requirements. The statute and regulations for passenger seating requirements have been operational since 2002. The criteria required by FMVSS Part 571.207 are the same regulations original manufacturers follow when constructing passenger transportation styled vehicles. The FLVs are required to be inspected and certified annually by departmental trained FLV commercial enforcement personnel and by motor carrier specialists at terminal locations, with a majority of the FLVs being in compliance.

All those on the interested party list are notified of proposed changes and given the opportunity for comment. It is assumed that both small and large businesses, as well as industry advocates

are included in this group, although the Department does not request nor maintain such data. Nothing in these regulations changes the impact on businesses that are not already affected.

ALTERNATIVES

The CHP has not identified any alternative, including the no-action alternative, which would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

ECONOMIC IMPACT TO THE STATE

The CHP has determined these regulation amendments will result in:

- No significant compliance cost for persons or businesses directly affected.
- No discernible impact on the level and distribution of costs and prices for large and small businesses.
- No impact on the level of employment in the state.